

piperazine drawn to piperazines.

Group III: Claims 1-11, drawn to compounds and compositions reading on claim 1, R7 is (a), (b) or (c) where R11 and R10 or R14 and R15 are limited to H, alkyl or cycloalkyl drawn to phenanthridines.

Group IV: Claims 1-11, drawn to compounds and compositions not encompassed by Groups I-III.

Group V: Claims 13-14, drawn to methods of treatment.

Applicant is advised that the reply ... must include (i) an election of species...; and (ii) identification of the claims encompassing the elected invention.

PROVISIONAL ELECTION

Applicants provisionally elect **Group II**, drawn to claims 1-9 and 11.

In response to the Examiner's requirement for applicants to elect a single disclosed species for search purposes, applicants provisionally elect the compound of **Example 2** : N-(1-Amino-1-azocan-1-yl-methylene)-4[(2RS,4aRS,10bRS)-9-(1,1-difluoro-methoxy)-2-hydroxy-8-methoxy-1,2,3,4,4a,10b-hexahydro-phenanthridin-6-yl]-benzamide.

Claims 1-9 and 11 currently read on the elected invention.

TRAVERSAL

Applicant respectfully traverses the Examiner's restriction / election requirement.

First, the restriction / election requirement is traversed because it omits "an appropriate explanation" as to the existence of a "serious burden" if a restriction were not required. See MPEP 803. A complete and thorough search for the subject matter set forth in the provisionally elected species set forth above would require searching the art areas appropriate to all other subject matter contained in this application. Since a

search of the subject matter of the provisionally elected species and all other subject matter contained in this application would be coextensive, it would not be a serious burden upon the Examiner to conduct a search of all subject matter contained in this application.

Furthermore, applicants have paid a filing fee for an examination of all the claims in this application. If the Examiner refuses to examine the claims paid for when filing this application and persists in requiring applicants to file divisional applications for each of the groups of claims, the Examiner would essentially be forcing applicants to pay duplicative fees for the non-elected or withdrawn claims, inasmuch as the original filing fees for the claims (which would be later prosecuted in divisional applications) are not refundable.

CONCLUSION

In view of the foregoing, applicants respectfully request the Examiner to reconsider and withdraw the restriction / election requirement, and to examine all of the claims pending in this application.

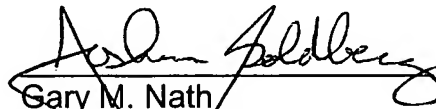
If the Examiner has any questions or wishes to discuss this matter, the Examiner is welcomed to telephone the undersigned attorney.

Respectfully submitted,

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